

Combating Domestic Violence with Legal Services

2019–20 NC State Bar Report to the General Assembly Regarding the Domestic Violence Victim Assistance Act

Each year, funding from North Carolina's Domestic Violence Victim Assistance Act provides legal aid to help domestic violence victims and their children escape abuse and rebuild their lives.

- 1 in 4 women will report violence at the hands of an intimate partner during her lifetime.
- It is estimated nationally that intimate partner violence costs employers over \$5 billion annually.
- Approximately one-fifth of patients treated in hospital emergency rooms are treated for injuries inflicted by an intimate partner.
- One study found 54% of employees living with domestic violence missed at least 3 full days of work per month.
- Domestic violence is the #1 reason women and children become homeless in the U.S.
- In homes where domestic violence occurs, the rate of child abuse is 15 times higher than the average home, with co-occurring child abuse in 45–60% of homes where domestic violence is present.
- Children exposed to domestic violence are at an increased risk for behavioral and psychological problems, alcohol and substance use, juvenile delinquency, and adult criminal behavior.



>110
HOMICIDES

NC
AVERAGES
MORE THAN 110
DV-RELATED
HOMICIDES
PER YEAR



What is Domestic Violence?

Domestic violence occurs when one person in an intimate relationship uses a pattern of coercion and control against the other person during the relationship and/or after the relationship has terminated. It often includes physical, sexual, emotional, or economic abuse.

Domestic violence occurs in all kinds of families and relationships. Persons of any class, culture, religion, sexual orientation, marital status, age, and sex can be victims or perpetrators of domestic violence.

State Funding in 2019–2020 for the Domestic Violence Victim Assistance Act

A TOTAL OF
\$903,002
WAS DISTRIBUTED

Funding through the Domestic Violence Victim Assistance Act is used:

- 1 To provide legal assistance to domestic violence victims;
- 2 To provide education to domestic violence victims regarding their rights and duties under the law; and
- 3 To involve the private bar in the representation of domestic violence victims

through cases that address:

- 1 Actions for protective orders;
- 2 Child custody and visitation issues; and
- 3 Legal services which ensure the safety of the client and the client's children.

\$54,788
to Pisgah Legal
Services to serve
Buncombe,
Henderson, Madison,
Polk, Rutherford, and
Transylvania counties

\$848,214
to Legal Aid of
North Carolina
to serve all
other counties

One woman's story

A few years ago, while home with her children, Tiffany's* husband raped her four times in a single night. All four times, he choked her until she passed out. After the fourth time, she was able to scream for help. Her oldest child, barely a teenager at the time, came to her rescue and tried to call the police, but Tiffany's husband snatched the phone away. As punishment, he made the child watch while he beat Tiffany and screamed at her.

After that horrific night, lawyers in Legal Aid's Greenville office helped Tiffany secure a protective order and then later helped her renew it. Her husband was eventually charged with second-degree rape and served time in prison.

As his release date neared, Tiffany's terror grew. She feared her husband would find and hurt them after he got out. She came to Legal Aid again for help. The Greenville office secured a Permanent Civil No-Contact Order Against a Sex Offender and helped Tiffany file for divorce and child custody. Tiffany can now live in peace, legally disentangled from her abusive former spouse.



**Name changed at client's request.*

LANC & Pisgah Legal Services receive funds from the Domestic Violence Victim Assistance Act

7,088
CASES COMPLETED

Legal Aid of North Carolina (LANC) and Pisgah Legal Services provide free legal services to domestic violence victims so they can escape abuse and rebuild their lives.

Legal Services

Legal aid attorneys and private volunteer attorneys help victims secure court protective orders to improve the safety of adult and child victims. Legal aid also helps victims address a range of other issues to increase their independence from abusers, including child custody and child support, divorce, division of marital property, and housing and consumer issues.

The type of services that are provided vary depending upon the availability of legal aid staff and private volunteer attorneys to represent domestic violence victims in each of the 100 counties in North Carolina. On short notice, legal aid attorneys must interview the victim and any other witnesses, gather records, and prepare for trial, which is scheduled within 10 days of when the victim files court action to obtain a temporary protective order. Because victim safety is always a concern, attorneys must address safety plans for victims and their families.

Community Involvement

The legal aid organizations work closely with community-based programs, agencies, and task forces to address other non-legal needs of domestic violence victims. In addition, staff attorneys work to educate the victims and others within a community, such as landlords, about their rights and duties under the law. This community involvement is critical to helping victims gain much needed self-sufficiency to stop the domestic violence.

Volunteer Attorneys

Legal aid attorneys train private volunteer attorneys to represent domestic violence victims in court to obtain protective orders. Also, volunteer attorneys accept cases where domestic violence victims need legal representation in matters such as divorce and child custody and support.

**From July 2019
thru June 2020,**
Legal Aid of North Carolina
and Pisgah Legal Services
completed **7,088**
cases for domestic
violence victims.

Of these cases,
786 were completed
by volunteer attorneys.

Civil legal aid helped
domestic violence victims
secure **2,972** protective
orders and protected
custody rights for
960 victims.



About the

Domestic Violence Victim Assistance Act

In 2004, the NC General Assembly passed comprehensive legislation to address the problem of domestic violence. This multi-faceted program included access to legal representation for domestic violence victims under the NC Domestic Violence Victim Assistance Act.

Studies show legal aid stops domestic violence.

A study by economists at Colgate and the University of Arkansas* indicates that the availability of legal services decreases the likelihood that women will be battered. The study notes that while shelters, hotlines, and counseling are vitally important crisis-intervention aids, it is legal services that offer women certain important alternatives to abusive relationships. The economists theorize that by helping domestic violence survivors obtain protective orders, custody of their children, child support, and sometimes public assistance, legal aid programs help the women achieve the physical safety and financial security needed to leave their abusers. Because legal aid helps women achieve self-sufficiency, it is a good investment of public funds.

* Amy Farmer & Jill Tiefenthaler, Explaining the Recent Decline in Domestic Violence, 21 Contemp Econ Pol'y 158 (April 2003)



Civil legal aid programs for low-income domestic violence victims in North Carolina



Domestic and Sexual Violence Prevention Program (DSVPP)

The Domestic and Sexual Violence Prevention Program (DSVPP) of Pisgah Legal Services provides civil legal services for low-income victims of domestic violence, sexual violence, and child maltreatment. PLS works in collaboration with domestic violence prevention agencies, shelters, law enforcement and other partners in Western North Carolina, including family justice centers and resource centers to provide coordinated services under one roof for survivors.



Domestic Violence and Sexual Assault (DVSA) Project

The Domestic Violence and Sexual Assault (DVSA) Project of Legal Aid of North Carolina provides free legal assistance to survivors of domestic violence and sexual assault throughout the state.

Attorneys and advocates with the DVSA Project help survivors secure domestic violence protective orders against their abusers and provide a wide range of other legal services related to child custody, housing, employment, and more. This life-changing support helps survivors escape their abusers and start new lives.